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# Notes & Analyses

## sur les États-Unis / on the USA

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### *Le Québec en Amérique du Nord / Québec in North America*

## Exporting to the United States in the New Security Context : The Case of CLIC Import-Export

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**T**his note tackles the issue of border security in the post-September 11 period between Quebec and the United States, as well as its effects on the Quebec trade corridor. It is based on a series of interviews with officials in Quebec<sup>1</sup> as well as Mr. Assaad Abdelnour, CEO of [CLIC Import-Export](http://cepea.cerium.ca/article347.html), a Quebec-based food company chosen because it deals with Middle Eastern and Asian products. CLIC illustrates the ongoing problems for Quebec companies on the Quebec-U.S. borders. Note that the figures reported in this note were submitted by the interviewees, who requested their use to be limited to this study.

### **Company Profile: CLIC Import-Export**

Created in 1984 in Montreal by Assaad Abdelnour, CLIC Import-Export targeted rising immigrant populations. Quickly, CLIC (acronym for Canadian Lebanese Investment Corporation) became the number one company in the “exotic food” import business.

### **Exporter aux États-Unis dans le nouveau contexte de sécurité : l'expérience de CLIC Import-Export**

#### **En français :**

<http://cepea.cerium.ca/article347.html>

**Résumé :** Cette note aborde la sécurité transfrontalière entre le Québec et les États-Unis et ses effets sur le couloir commercial du Québec. Des entrevues ont été menées auprès de fonctionnaires québécois et du président de CLIC Import-Export, une compagnie québécoise de produits alimentaires moyen-orientaux et asiatiques. CLIC illustre les problèmes actuels des compagnies du Québec qui exportent aux États-Unis. En effet, les nouveaux règlements imposés par le département américain de la Sécurité du territoire (U.S. Homeland Security) ont affecté les exportations de CLIC. Les pertes se chiffrent en millions de dollars. Ces règlements ont également imposé un changement de la manière dont CLIC conduit son importation des produits des pays du tiers monde avant leur expédition vers ses clients américains. L'absence de certification C-TPAT de ces pays a fait perdre à CLIC certains de ses marchés aux États-Unis.

It imported from Asian countries as well as from the Middle East but also from Mexico and other Latin American countries. Many of the imported basic foods were then transformed in Canada and then exported again towards the United States, Europe Africa and the Middle East.

<sup>1</sup> U.S. Homeland Security officials were contacted but declined to answer.

*This note is part of a special series "Québec in North America," edited by Stephen Blank, Guy Stanley, and Pasquale Salvaggio. A detailed presentation of this project can be found on this Web page::*

*<http://cepea.cerium.ca/article340.html>*

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*Editorial responsibility for the series is shared by the Chair's research team: Pierre Martin (director), Michel Fortmann, Richard Nadeau et François Vaillancourt (research directors). Responsibility for the contents of these "Notes & Analyses" rests solely with their authors.. © CÉPÉA 2006*

Quickly, CLIC became one of the most successful food companies in Canada and received numerous recognition awards from the industry, the federal and provincial governments, as well as from several chambers of commerce.

CLIC employs 145 full-timers, has 3700 points of sales across four continents and 950 points of sales within the United States. At CLIC, fourteen different languages are spoken.

### **Trading before September 11, 2001**

Prior to the tragic events of September 2001, CLIC used to export to the U.S. via two means: road shipments; and sea shipments of finished products directly from their points of origin in Asian and Middle Eastern countries.

In 2001, CLIC was exporting for more than twenty million dollars of food products.

### **Road Shipments**

Prior to the events of September 11, 2001, products were shipped on trucks directly from CLIC factories using the regular method of declaration of goods at the U.S. Customs. The average delay per truck at the Border was three hours depending on the number of trucks waiting in line to pass through Customs. No thorough search was necessary at that time. From time to time, a sample of the goods was tested randomly.

Trucks then delivered their merchandise to U.S. customers in Detroit, New York, Washington, DC, as well as other key cities where Middle Eastern and Asian populations were most concentrated.

CLIC uses three corridors to ship its products: The Eastern corridor that serves all major cities from Vermont to Florida (Boston, New York, New Jersey, Washington DC, Etc.); the Midwest corridor which includes, but is not limited to, Wisconsin, Illinois, and Ohio; and the Western corridor which covers Montana, California, New Mexico and Texas.

When shipping to the United States, CLIC uses the following entry points from Canada: Lacolle/Champlain, but also Windsor/Detroit as well as Sarnia just west of Windsor. CLIC does use different point of passage depending on the city it is shipping to.

### **Sea shipments of finished products**

Some of CLIC products were produced and ready for consumption directly from their points of origin in Asian and Middle Eastern countries. To export to the U.S. CLIC used the transit method, that is, shipping directly by sea to a U.S. port then loaded onto trucks and distributed to its clients.

The Custom paperwork was essentially done by the local factories in the different points of origin of the products. CLIC used to coordinate the transfer of the merchandise and money to facilitate the export to its clients in the U.S.

## Changes Since September 11, 2001

### *Merchandise traffic and losses*

Almost immediately after the terrorist attacks on the World Trade Center and the Pentagon, all traffic was stopped between Canada and the United States. CLIC was directly affected especially since it carried products marketed to the Arab population.

CLIC trucks were stopped for several days and every item was checked carefully at the U.S. Customs checkpoints. Difficulties started to accumulate and CLIC U.S. clients were penalised because numerous merchandise were simply forbidden to enter the U.S. especially those coming directly from overseas. In addition CLIC had to submit a detailed manifesto of the content of its shipments, details that were then compared to each item loaded on trucks. This led to a decrease in exports toward the U.S. especially because of these delays needed to fulfill all U.S. Customs' requirements.

Whereas sales has progressively increased to reach more than \$3.5 million in 2001, they dropped in subsequent years to reach about \$1.8 million in 2004, when a temporary agreement was reached with the U.S. Customs and CLIC on new ways to improve entry of its merchandise into the United States.

### *Regulations imposed by the Department of Homeland Security*

Several regulations were imposed by the Department of Homeland Security in order to facilitate the traffic between the border. Hence, for a Quebec company to ship its products on U.S. soil, it must fulfill the following requirements:

#### *a- Securing the food chain*

Securing the food chain, for CLIC - as well as for all Québec industries - means that it needs to impose on its correspondent factories, such as those in Turkey or India, to secure their products, that is, make sure that all boxes

containing food to be shipped to the U.S. are verified item by item by certified controllers before being deposited in a secure and heavily guarded location. These boxes are then loaded at this facility onto a secure truck, whose driver must be cleared, then unloaded onto the ship in a secure manner, meaning in closed and sealed containers ready to be shipped. The seal can only be used by authorized personnel and a copy of this seal must be handed to a U.S. official at the site. This results in a series of costly measures for overseas factories, a whole new series of certificates to be admitted by the U.S. Trade representative in this country, and eventually the Department of Homeland Security controller on site.

### *b- Customs-Trade Partnership Against Terrorism (C-TPAT) certification*

The sole alternative to the measures described in (a) is for these countries and factories to obtain from the Department of Homeland Security the C-TPAT certification which will facilitate the transfer of merchandise and their entry into the U.S.

Hereunder are the "advantages" of implementing C-TPAT, according the "*Manufacturiers du Québec*," which is a prerequisite to benefit from the Free And Secure Trade measures:

- Exporting companies to the U.S. would have access to the Free And Secure Trade (FAST) lane when crossing borders;
- The reduction of the number of inspections (reducing border times), that is, it becomes random again and less frequent since all merchandise are supposed to have been secured and declared in advance;
- Merchandise would be delivered on time to the U.S. customers, while current delays are more than ten hours in average for each truck;
- Reducing the transport costs into the U.S.;
- Having access to the best and most reliable and secured transporters;

- Admissibility to the different U.S. Customs' programmes;
- Eligibility for account-based processes;
- Replacing the usual Custom verification by an auto-discipline, i.e. putting the emphasis on self-policing rather than Customs verifications;
- Maintaining the accessibility to the U.S. markets even if new restrictions are imposed due to another terrorist attack;
- Access to the C-TPAT Partners Database;
- Appointed U.S. Customs account manager.

#### *c- Free and Secure Trade - FAST*

To benefit from FAST, exporters to the U.S. should first make sure that:

- Their transporters are certified C-TPAT, i.e., if their own trucks are not certified, they cannot send their products using FAST. They need to deal with a transport company which is certified C-TPAT;
- Their products shipped to the U.S. should also be certified C-TPAT;
- They should deal with certified C-TPAT importers;
- Their truck drivers should obtain a valid commercial FAST driving licence. Drivers must have a clean criminal file, i.e., if a driver has had committed a felony or a minor crime once in her life and marked on her record, she would not be admissible to the FAST commercial driving licence. A truck driven by a driver without a FAST licence would wait hours until every item is searched, whereas should the driver possess the FAST commercial driving licence, she would benefit from the FAST lane and permit the driver to cross the border in a matter of minutes.

*The Trade Act of 2002 implementing regulations for truck carriers requires that shipments using the Border Release Advance Screening and Selectivity (BRASS) release system to enter into the U.S. should be transported using drivers that have been*

*issued Free And Secure Trade (FAST) driver identification cards. Enforcement of this requirement is scheduled to begin on January 31, 2005 in the first group of ports with additional enforcement dates over the next 60 days.*

*Since Customs and Border Protection (CBP) published its enforcement schedule in October 2004 the number of FAST driver applications has increased dramatically. This surge in applications has exceeded the capacity of the FAST processing center to process the applications leading to delays and backlogs in the application process. In addition, there are approximately 15,000 conditionally approved drivers that have not completed the interview process to receive their cards. Based on the size of the backlog of applications CBP will delay the enforcement of this requirement.*

*The FAST Processing Center and enrolment centers will be provided assistance to eliminate the backlog and process the applications within 90 days. For all affected ports, CBP will begin enforcement of the FAST card requirement for BRASS shipments on May 1, 2005. The ports of Eastport, Idaho, International Falls and Grand Portage, Minnesota and Jackman, Maine continue to be exempted until publication of a Federal Register Notice.*

*Trucks that arrive at the affected ports between January 31, 2005 and May 1, 2005 with BRASS shipments and are operated by a driver that does not possess a valid FAST driver identification card will continue to receive informed compliance notices<sup>2</sup>*

FAST lanes are currently used on the following gateways along the Québec-U.S. border: Champlain (NY), Derby Line (VT), Highgate Spring (VT).

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<sup>2</sup> Source: U.S. Customs and Border Protection.



#### *d- Advantages of C-TPAT for Quebec's companies*

According to “*Manufacturiers du Québec*,” the C-TPAT programme has been installed to enhance security within Quebec companies.

Claude Tardif, Vice President of “*Manufacturiers du Québec*” gave an example on how Quebec's companies might increase security within their own facilities by implementing C-TPAT regulations. Giving an example about a well-known IT company in Quebec, Tardif said that the CEO of this company has noticed several items missing from the stock awaiting to be shipped to the U.S. on regular basis. By implementing C-TPAT, this CEO can now secure the area and do several unscheduled checks on the site where the merchandise awaits to be loaded onto trucks bound for the U.S. He must also install surveillance cameras, and lock and seal the containers within his facility, thus making sure that no person can tamper with seals and the contents of containers. However in order to secure a site according to C-TPAT regulations, Tardif explains that the company should build a secure site specifically for loading merchandise onto trucks that must also fit within the structure. This would cause an increase in expenses for the company but reduce the risk of theft and the risk of terrorism as described by Homeland Security officials.

#### *e- New laws targeting truck drivers*

New legislation has accompanied the U.S. security measures and have already been implemented in Canada and the United States. This legislation limits truck travel-time to a maximum of ten hours on the road. That means that Québec trucks are likely to be further delayed before getting to the border.

This new legislation penalises Québec companies which are now subject to the following constraints:

- If their drivers are not certified C-TPAT, they need to ship their goods with other certified transporters;

- If certified transporters have some items from companies that are not certified C-TPAT, they will be stopped at the border to be checked which will lead to delays of at least four hours. For instance, a truck going to Boston is likely to get stopped at the border if part of the merchandise it is carrying is from a non-certified C-TPAT company from Québec. Thus, this delay would generate consequences for the U.S. customer, and like a boomerang effect, result in a potential loss of business for the originating business with its U.S. customers if it fails to deliver its merchandise on time. This new problem is one of the most important issues facing Québec exporters.
- Many of Québec exporters to the United States are small and mid-size companies, and thus, the quantity of shipments to the U.S. is often limited to a determined number of items. This obliges them to use what is known as “Less than Truckload” (LTL). This means that several small and mid-size companies use the services of one transporter by using the same truck due to the limited amount of merchandise they export to the U.S. The problem they face is double: if the transporter is not certified C-TPAT, they need to find a new one. This is relatively easy. However, the difficult task is for them to find other small and mid-size companies certified C-TPAT to avoid border delays since these companies cannot afford any penalties due to such delays. Besides, the transporter will not let the truck operate as long its container is not full. This causes an additional headache to both the transporter and the small and mid-size companies.
- Also, new regulations impose pre-notification for all Québec exporters about the arrival of their trucks or shipments to the U.S. border four days in advance. Thus, Québec companies should inform the FDA of such arrival,

which represents additional paper work and time.

#### *f- Personal Data*

One of the touchiest questions that the C-TPAT certification requires personnel screening and personal data.

Indeed, for a company to be certified C-TPAT, its employees dealing with all goods to be exported to the United States should be free of all suspicions. Thus, companies should ensure a thorough check on the past and present non professional activities as well as background checks on their employees and take the necessary measures in case of a problem with regards to any of them.

An employee identification system must be in place for positive identification and access. Employees should only be given access to those secure areas needed for the performance of their duties. Company management or security personnel must adequately control the issuance and removal of employee, visitor and vendor identification badges. Procedures for the issuance, removal and changing of access devices (e.g. keys, key cards, etc.) must be documented.

*Visitors Controls: Visitors must present photo identification for documentation purposes upon arrival. All visitors should be escorted and visibly display temporary identification. Deliveries (including mail), Proper vendor ID and/or photo identification must be presented for documentation purposes upon arrival by all vendors. Arriving packages and mail should be periodically screened before being disseminated.*

*Challenging and Removing Unauthorized Persons: Procedures must be in place to identify, challenge and address unauthorized or unidentified persons.*

*Personnel Security: Processes must be in place to screen prospective employees and to periodically check current employees. Maintain a current permanent employee list, which*

*includes the name, date of birth, national identification number or social security number, position held, and submit such information to CBP upon written request, to the extent permitted by law.*

*Pre-Employment Verification: Application information, such as employment history and references must be verified prior to employment.*

*Background checks/investigations: Consistent with foreign, federal, state and local regulations, background checks and investigations should be conducted for prospective employees. Periodic checks and reinvestigations should be performed based on cause and/or the sensitivity of the employee's position.*

*Personnel Termination Procedures: Companies must have procedures in place to remove identification, facility, and system access for terminated employees.<sup>3</sup>*

#### **How do all these regulations affect CLIC?**

The most crucial part for CLIC to comply with these regulations are mainly points a- and f-. Indeed, whether in point a- or point f-, CLIC cannot impose on its overseas partners such conditions, especially for point f- because:

- Point a- would be very costly to partners located in India or Turkey for instance where labour cost are less than in Canada;
- Also in point a- increasing the expenses to build secured facilities and warehouses to stock merchandises destined to the U.S. market is quite impossible for these overseas partners. This means increasing the cost of production considerably affecting CLIC's competitiveness on the U.S. market, potentially leading it to lose U.S. costumers;
- Point f- is absurd in certain third world countries where background checks are subjective and where officials are often corrupt. This leads to a need for a new

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<sup>3</sup> Homeland Security documents

way to ensure such checks are made, nonetheless still being perceived by some countries as U.S. interference in its internal affairs. These can considerably affect dealing with CLIC.

CLIC also suffers from certain disadvantages from the new regulations. For instance, CLIC uses LTL for some shipments. One of them was stopped at the border and returned because the description of the product was judged inaccurate by the U.S. Custom Borders officer. It was a shipment of olives made in Morocco. The description of the condiments as stated by CLIC was: black olives, oil, water and salt. The U.S. Custom Borders officer rejected the entry of the merchandise because he needed more details about the type of water used and the type of oil. CLIC had to change all its product labelling in accordance with new U.S. regulations in order to avoid the loss of this market as it did for this shipment. It has asked its supplier to respect and comply with the regulations, and in certain cases, it has changed its partners accordingly. These hassles occur because it needed to specify the precise nature of the ingredients of its olives, information which was not provided by its Moroccan partner at that time.

There are many other examples that affected CLIC, although its CEO states that his company's status is a lot better than other Québec food companies, especially those dealing with perishable food products.

Another important issue that affects CLIC is the fact that it does not have a warehouse in the U.S. and thus must rely on U.S. partners for that. This causes more delays because both parties must be certified C-TPAT, whereas had it had its own warehouses to ship to in the U.S. This also penalises CLIC's U.S. customers because CLIC cannot deliver more of its food products to them.

This situation would certainly lead these partners to find a new importer of similar products in the United States to avoid delays and increasing prices due to the implementation of U.S. security measures.

### **Exporting to the United States in the New Security Context : The Case of CLIC Import-Export**

#### **Summary**

*This note addresses trans-border security between Québec and the United States, as well as its effects on the Québec trade corridor. It is based on interviews with Québec officials and with the CEO of CLIC Import-Export, a Québec-based trader of Middle Eastern and Asian products. CLIC illustrates the ongoing problems for Québec companies on the Québec-U.S. borders. Indeed, the new regulations imposed by the U.S. Homeland Security on the U.S. borders with Canada have affected CLIC's exports to the United States, leading millions of dollars in losses. These regulations also imposed a change in the way CLIC conducts its import of products from third world countries before shipping them to its U.S. based clients. The non-C-TPAT certification of these countries caused CLIC to lose some of its U.S. markets, although it did start implementing all U.S. imposed regulations from Canada.*

Hence, CLIC finds itself obliged to reduce considerably its export to the U.S. because of all the above causes, but also because of an increasing Canadian dollar and oil prices. Mr. Assaad Abdelnour, CLIC's CEO is revising its current business estimation with the U.S. to a lesser amount, even if recently he has reached a fragile stability after a continuous decrease of its exports towards the United States since September 2001.

Many Québec exporters think that these measures are more likely to penalise them than to help them with their exports to the U.S.

Indeed, according to several CEO's of small and mid-size companies, the new security measures are simply a "diplomatic way" to give an advantage and boost U.S. companies within the U.S. and to disadvantage Canadian business, where until now, Canadian prices and labour costs were lot less than in the U.S. making Canadian products more competitive than the U.S. ones. Now with these new security measures, U.S. products have become more attractive to U.S. businesses

than Canadian ones, in addition to the weaker U.S. dollar and the increasing oil prices.

Nevertheless, with the recent Katrina and Rita hurricanes and the destruction in Louisiana, there have been suggestions that it may influence U.S. political decision-makers to change tactics and potentially boosts certain Canadian industries such as lumber exporters. However, companies such as CLIC must continue to find a way to insure that all its partners become C-TPAT certified to enter the U.S. market. This may take many months if not years. Meanwhile, CLIC has begun expanding into new markets beyond the United States.





## Québec in North America

**A project co-chaired by Stephen Blank and Guy Stanley, with the assistance of Pasquale Salvaggio**



The *Québec in North America* project emerged from the presence of Professor Stephen Blank as a Fulbright Visiting Scholar at the Université de Montréal in 2004-2005. He co-chaired the project with Guy Stanley, with the assistance of Pasquale Salvaggio in the summer and fall of 2005. Project advisors were Michael Hawes, Executive Director of the Canada-U.S. Fulbright Program, Jean-François Lisée, Executive Director of the Université de Montréal's Center for International Studies (CÉRIUM), and Pierre Martin, Director of the Université de Montréal's Chair in American Political and Economic Studies. The financial contribution of the Canada-U.S. Fulbright Program and of the CÉRIUM (through a generous grant from the ministère des Relations internationales du Québec) is gratefully acknowledged.

Twelve students from HEC-Montréal, Université de Montréal, and Université du Québec à Montréal attended the project's seminars and prepared research papers. Guests at the seminar meetings included Albert Juneau (Québec Chamber of Commerce), Diane Wilhelmy (former Québec deputy minister of International Relations) and Konrad Yakabuski (Globe and Mail).

The picture of Québec in North America that emerges from these studies is that of a vibrant source of economic and cultural activity with an important presence throughout the continent. Québec is a major source and destination along trade corridors with New York and New England, and by far the largest Canadian supplier in an integrated North American electricity market. In 2004, Québec ranked sixth among countries of the world in terms of exports to the U.S. and fourth in the world as a destination for U.S. exports. Mexico is Québec's most important trading partner in Latin America. Québec is the fourth largest center of film production in North America, as well as the fourth largest biotechnology hub in North America.

The papers also illustrate hurdles that must be overcome as Québec pursues its integration within the continent. More generous provincial programs for biotech—especially Ontario—are eroding some of Québec's luster. The challenge of managing cross-border enterprises is also significant, as shown by the example of Quebecor World. Exporting presents additional issues since the tragic events of September 11, 2001. Some of these are illustrated in the paper on CLIC Import-Export. Taken together, these papers shed light on how North America is evolving as an economic zone. Although trade amongst companies

continues between Québec and the rest of North America, trade increasingly is occurring within shared networks, or within firms. In this context, the barriers to trade between Québec and the rest of North America are becoming barriers to common economic growth.

The bottom line is that North America is rapidly reaching the point where many economic problems are shared no matter where they emerge. This has obvious implications for public policy and for policy capacity, or the ability of North American governments to recognize and solve common problems.

**“Québec in North America” Project Home Page:**  
<http://cepea.cerium.ca/article340.html>

**Alain-Michel Ayache**, [\*Exporter aux États-Unis dans le nouveau contexte de sécurité: l'expérience de CLIC Import-Export / Exporting to the United States in the New Security Context : The Case of CLIC Import-Export\*](#), Notes & Analyses # 8.

**David Descôteaux**, [\*Quebecor World et les atouts d'une plateforme nord-américaine / Quebecor World and the benefits of a North American Platform\*](#), Notes & Analyses # 9.

**Rolando Gonzalez**, [\*Le Québec et le secteur de la biotechnologie en Amérique du Nord / Québec and the Biotech Industry in North America\*](#), Notes & Analyses (forthcoming).

**Minea Valle Fajer**, [\*Le corridor Québec-New York / The Québec-New York Corridor\*](#), Notes & Analyses (forthcoming).

**Lauris Apse**, [\*Hollywood Nord-Est? La production de films nord-américains au Québec / Hollywood Northeast? North American Film Production in Québec\*](#), Notes & Analyses (forthcoming).

**Anne-Elisabeth Piché**, [\*Un partenariat en pleine expansion : les relations économiques entre le Québec et le Mexique depuis 1994 / An Expanding Partnership : Economic Relations between Québec and Mexico Since 1994\*](#), Notes & Analyses (forthcoming).

**Jean-François Talbot**, [\*Branché sur l'Amérique du Nord: Hydro-Québec et l'intégration continentale dans le secteur de l'énergie / Plugged into North America: Hydro-Québec in an Integrated Continental Energy Sector\*](#), Notes & Analyses (forthcoming).

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## Notes & Analyses sur les États-Unis/on the USA

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6. Linda Lee, [Inventaire des politiques industrielles aux États-Unis : portrait d'un paradoxe](#) (Note), août 2005.
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